

## **IC 8-9-5**

### **Chapter 5. Railroad Conductor's and Engineer's Qualifications**

#### **IC 8-9-5-1**

##### **Engineers; violation; exception**

Sec. 1. A person who operates a locomotive engine, upon any railroad in Indiana more than twenty-five (25) miles in length, without having worked or served for the preceding six (6) months as a fireman or engineer on a locomotive engine, commits a Class C infraction. Each day he so operates such an engine constitutes a separate offense. A person who for part of the six (6) months has worked or served as a fireman on a locomotive engine and for the remainder of the period has worked or served as an engineer on such a locomotive engine is considered to have the qualifications required by this chapter to operate a locomotive engine.

*(Formerly: Acts 1913, c.43, s.1; Acts 1974, P.L.30, SEC.1.) As amended by Acts 1978, P.L.2, SEC.836.*

#### **IC 8-9-5-2**

##### **Violation; brakemen or conductors; penalty; exception**

Sec. 2. If any person shall act or serve as a conductor on a railroad train upon any railroad in the state of Indiana which is more than twenty-five (25) miles in length without, for one (1) year prior thereto, having worked or served as a brakeman or conductor on a railroad train, he commits a Class C infraction, and each day he so acts or serves shall constitute a separate offense: Provided, That any person who for part of said period of one (1) year has worked or served as a brakeman on a railroad train and for the remainder of such period has worked or served as a conductor on such a train shall be deemed to possess the qualifications required by this chapter to serve or act as such a conductor.

*(Formerly: Acts 1913, c.43, s.2.) As amended by Acts 1978, P.L.57, SEC.2.*

#### **IC 8-9-5-3 Repealed**

*(Repealed by Acts 1978, P.L.2, SEC.867.)*

#### **IC 8-9-5-4**

##### **Repealed**

*(Repealed by Acts 1978, P.L.2, SEC.867.)*

#### **IC 8-9-5-5**

##### **Exempt operations; negligence of employees; tort liability**

Sec. 5. Nothing in this chapter shall be construed as applying to the running or operating of engines in taking engines to or from trains at division terminals by engine hostlers, or the shifting of cars or making up trains, or doing any work appurtenant thereto to any engine-houses, train or freight yards by switchman or yardman, or in the case of the disability of a qualified engineer or conductor while out on the road between division terminals, or in case of strike,

where such companies can not obtain employees mentioned in this chapter who have the qualifications prescribed by the provisions thereof, than such companies may employ temporary firemen, engineers and conductors who have not the qualifications prescribed by this chapter, but no such employment shall continue longer than such companies can supply their respective places with employees who have the qualifications prescribed by this chapter. And, provided further, That nothing herein contained shall relieve any such companies from the negligence of any of its employees.  
*(Formerly: Acts 1913, c.43, s.5; Acts 1975, P.L.34, SEC.4.)*

#### **IC 8-9-5-6**

##### **Scope of chapter**

Sec. 6. The provisions of this chapter shall apply to any person, firm, corporation, lessee, or receiver who or which operates in the state of Indiana a steam railroad more than twenty-five (25) miles in length.

*(Formerly: Acts 1913, c.43, s.6.) As amended by P.L.62-1984, SEC.131.*

#### **IC 8-9-5-7**

##### **Enforcement by department**

Sec. 7. The Indiana department of transportation shall enforce this chapter.

*(Formerly: Acts 1913, c.43, s.7.) As amended by P.L.62-1984, SEC.132; P.L.384-1987(ss), SEC.91; P.L.18-1990, SEC.100.*